

HOUSE BILL 956
By Hargett

AN ACT to amend Tennessee Code Annotated, Title 56
and Title 68, relative to vaccines.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, Part 4, is amended by inserting the following as a new, appropriately designated section:

(a) Beginning January 1, 2007, immunizations administered in the state of Tennessee to children less than eight (8) years of age shall not contain any mercury preservatives, including but not limited to thimerosal. The federal Food and Drug Administration designation as thimerosal free or "trace only" shall comply with this section. All other persons receiving immunizations that are not designated as thimerosal free or "trace only" shall be informed in advance that it contains a mercury-based preservative.

(b) The commissioner of health shall be deemed to be exempt from compliance with this section when the commissioner provides documentation of a pending outbreak requiring a public vaccination program for which there does not exist a sufficient supply of vaccine free of mercury preservative. The duration of this exemption from compliance shall be determined by the commissioner of health. The documentation required by this subsection shall be submitted to the chairs of the senate general welfare committee and the house health and human services committee. Persons receiving an exempted immunization shall be informed in advance that it contains a mercury-based preservative.

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 7, Part 26, is amended by inserting the following as a new, appropriately designated section:

(a) Notwithstanding any other provision of law to the contrary, any individual, franchise, blanket, or group health insurance policy, medical service plan contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society, health maintenance organization, preferred provider organization, or managed care organization that provides medical expense insurance that offers coverage for vaccinations shall offer and make available coverage under any such policy, contract, or plan for vaccines that are labeled by the federal Food and Drug Administration as being thimerosal free or “trace only” at the same percentage rate of customary charges as vaccines that contain mercury-based preservatives.

(b) The provisions of this section are applicable to all health benefit policies, programs, or contracts which are offered by commercial insurance companies, nonprofit insurance companies, health maintenance organizations, preferred provider organizations, and managed care organizations, and which are entered into, delivered, issued for delivery, amended, or renewed after January 1, 2007.

(c) Nothing in this section shall be construed to prohibit any insurer from providing medical benefits greater than or more favorable to the insured than the benefits established pursuant to this section.

(d) The provisions of this section shall not apply to contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or governmental plans, including the TennCare program.

SECTION 3. This act shall take effect January 1, 2007, the public welfare requiring it.